

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BENNEKER et al.
Title: 4-PHENYLPIPERIDINE
COMPOUNDS
Appl. No.: 09/200,743
Filing Date: 11/30/1998
Examiner: Celia C. Chang
Art Unit: 1625
Confirmation Number: 9739

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of a document known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of the document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(b), before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114.

RELEVANCE OF EACH DOCUMENT

The listed document is an opinion of the UK House of Lords of Appeal and concerns the unpatentability of a Smithkline Beecham UK patent in view of a Synthron patent application that is related to this U.S. application.

Applicants respectfully request that the listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 6, 2009

By Courtenay C. Brinckerhoff

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4094
Facsimile: (202) 672-5399

Courtenay C. Brinckerhoff
Attorney for Applicant
Registration No. 37,288